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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,650	12/20/1999	ROBERT EVERETT PARKHILL	0500.9907201	1437

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CHRISTOPHER J. RECKAMP  
MARKISON & RECKAMP, P.C.  
P.O. BOX 06229  
WACKER DRIVE  
CHICAGO, IL 60606-0229

EXAMINER

WOOD, WILLIAM H

ART UNIT	PAPER NUMBER
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2124

DATE MAILED: 07/01/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/466,650

Applicant(s)

PARKHILL, ROBERT EVERETT

Examiner

William H. Wood

Art Unit

2124

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 June 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-27.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

**Todd Ingberg**  
**Primary Examiner**  
**Group 2100**

Continuation of 2. NOTE: The additional claim language of "which is different from the updated data" of claims 1 and 14 would require further consideration and possible additional searching. Applicant asserts this language is inherent, however Examiner has not reached the same conclusion..

Continuation of 5. does NOT place the application in condition for allowance because: Examiner reviewed the arguments presented by Applicant and has not be persuaded. Applicant requests a withdrawal of finality, however Examiner disagrees that a new basis for rejection was introduced in the last Office Action (mailed 08 April 2003). Examiner merely clarified the existing rejection as is common practice. Additionally, Applicant provided several arguments concerning the claims. First, Applicant argued update complete data is not disclosed by SmartUpdate. This was addressed in the previous action and is still applicable now. Second, Applicant argued page 7 of the original office action rejection (mailed 24 October 2002) does not clarify the third processing entity. As it was stated then, it is repeated now this was made clear through the previous rejected claims. Fourth, Applicant does believe SmartUpdate disclosed web certificates, however this was discussed in the last Office Action, which was made Final. Fifth, Applicant expressed a confusion over the third processing entity and the JAR file (page 11 of Applicant's response dated 9 June 2003). This issue was addressed in the Final Office Action in paragraph 7. Sixth, Applicant indicates, in the arguments concerning claim 5, that SmartUpdate does not disclose cookies. Examiner notes claim 5 does not discuss cookies. Seventh, Applicant expresses Venkatesan does not disclose cookies for updating and there is no motivation for combination with SmartUpdate. These issues were addressed in Examiner's Response of the last office action dated 08 April 2003. Finally, Applicant makes numerous references that the previous office actions do not clearly define the mapping of SmartUpdate to the claimed first, second and third processing entities. Examiner maintains that both of the prior office actions do define the processing entities and it is especially clear in the last office action (made Final and mailed 08 April 2003) in paragraph 7..